

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

23ANDME HOLDING CO., *et al.*,¹
Debtors.

Chapter 11

Case No. 25-40976

Jointly Administered

23ANDME HOLDING CO, *et al.*,
Plaintiffs,

Adv. Proc. No. 25-04011

v.

J.R. and M.M.,

Defendants.

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Plaintiffs 23andMe Holding Co. and 23andMe, Inc. and Defendants J.R. and M.M., by and through their respective undersigned counsels of record, hereby stipulate and agree as follows:

WHEREAS, on October 20, 2023, Defendants filed a lawsuit against Plaintiffs in the Supreme Court of British Columbia, *J.R. v. 23andMe Holding Co. & 23andMe, Inc.*, Case No. S237147 (Can. B.C. S.C.) (the “Debtor Action”), alleging damages arising from a data breach of Plaintiffs’ website, which lawsuit remained pending as of the Petition Date;

WHEREAS, on September 18, 2024, Defendants filed a lawsuit against Plaintiffs and certain non-debtor individuals and entities in the Supreme Court of British Columbia, *J.R. & M.M. v. 23andMe Holding Co., et al.*, Case No. VLC-S-S-2465520 (Can. B.C. S.C.) (the “Debtor and

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://restructuring.ra.kroll.com/23andMe>. The Debtors’ service address for purposes of these chapter 11 cases is: 870 Market Street, Room 415, San Francisco, CA, 94102.

D&O Action,” and, together with the Debtor Action, the “Canadian Proceedings”), alleging damages from a data breach of Plaintiffs’ website, which lawsuit remained pending as of the Petition Date;

WHEREAS, on March 23, 2025 (the “Petition Date”), 23andMe Holding Co. and certain of its direct and indirect subsidiaries (collectively, the “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”), in this Court, and the Debtors’ chapter 11 cases are being jointly administered under the lead case *In re 23andMe Holding Co.*, Case No. 25-40976 (collectively, the “Chapter 11 Cases”);

WHEREAS, on April 14, 2025, Plaintiffs filed this adversary proceeding against Defendants, seeking (a) (i) a declaration that the automatic stay under section 362 of title 11 of the United States Code (the “Bankruptcy Code”) applies to and prohibits the continued prosecution of the Canadian Proceedings, including as against the non-debtor defendants in the Canadian Proceedings, or, in the alternative, (ii) an order extending the automatic stay to the non-debtor defendants in the Canadian Proceedings; and (b) an injunction, pursuant to section 105 of the Bankruptcy Code, preventing the continued prosecution of the Canadian Proceedings, including against the non-debtor defendants in the Canadian Proceedings, during the pendency of these Chapter 11 Cases (collectively, the “Relief”);

WHEREAS, counsel for Plaintiffs and Defendants have met and conferred regarding this adversary proceeding and the relief sought therein;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED between counsel as follows:

1. This adversary proceeding is dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii);

2. Plaintiffs may pursue the Relief they sought in this adversary proceeding by filing a motion (the “Motion”) before this Court;
3. Defendants shall not argue in any forum that the Relief requested was improper because it was sought by motion rather than in an adversary proceeding or on the grounds that service was ineffective, but reserve all other defenses.

IT IS SO STIPULATED.

Dated: May 20, 2025

Respectfully submitted,

CARMODY MACDONALD P.C.

/s/ Thomas H. Riske

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- and -

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